

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANAND DASRATH,

Plaintiff,
-against-
ROSS UNIVERSITY SCHOOL OF MEDICINE,
Defendant.

NOT FOR PUBLICATION
ORDER
07-CV-2433 (CBA) (RER)

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AMON, United States District Judge:

Plaintiff Anand Dasrath (“Dasrath”) commenced this action against defendant Ross University School of Medicine (“Ross University”) alleging (1) violations of the Age Discrimination Act (“ADA”) of 1975, 42 U.S.C. §§ 6101 *et seq.*; (2) breach of contract; (3) fraud; and (4) tortious interference with contractual relations. Ross University now moves to dismiss Dasrath’s Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6) on the grounds that the Court lacks subject matter jurisdiction over the ADA claim and that Dasrath’s remaining claims of fraud, breach of contract, and tortious interference with contractual relations fail to state a claim upon which relief can be granted. Oral argument was held on May 6, 2010. For the reasons set forth on the record, the Court grants Ross University’s motion in part with respect to Dasrath’s ADA, fraud and tortious interference with contractual relations claims. Dasrath shall be permitted to proceed only with his claim of breach of contract. The parties are directed to confer with the magistrate judge and commence discovery.

SO ORDERED.

Dated: Brooklyn, New York
May 6, 2010

s/Hon. Carol B. Amon


Carol Bagley Amon
United States District Judge